

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Mitchell Lee Walck,)	ORDER VACATING DISMISSAL AND
)	REPORT AND RECOMMENDATION
)	RE: § 1915A SCREENING
Plaintiff,)	
)	
vs.)	
)	
Mr. Pat Heinert, et al.,)	
)	Case No.: 1:16-cv-331
Defendants.)	

On March 26, 2020, this Court filed an Order dismissing the case. (Doc. No. 16). As the Plaintiff did not consent to the Magistrate Judge's jurisdiction, the previous order (Doc. No. 16) is hereby **VACATED**.

Judge Hovland has referred this matter to the Magistrate Judge for preliminary consideration. The undersigned recommends that the complaint be dismissed as indicated below.

Before the Court is Walck's complaint (Doc. No. 6). As articulated in the Court's most recent order, all suits filed by prisoners against governmental entities, officers, or employees require an initial screening pursuant to 28 U.S.C. § 1915A. This Court conducted the initial screening, and on February 20, 2020, filed an order pursuant to § 1915A finding that Walck's complaint failed to state a claim upon which relief could be granted, and was subject to dismissal. (Doc. No. 15). In that Order, the Court gave Walck until March 5, 2020, to file an amended complaint. Id.

The March 5, 2020 deadline has elapsed, and the Court has received no additional filings from Walck. Accordingly, pursuant to 28 U.S.C. § 1915A, I recommend that his complaint be dismissed for failure to state a claim.

NOTICE OF RIGHT TO FILE OBJECTIONS

Plaintiff shall have until April 17, 2020, to file objections to this Report and Recommendation. See D.N.D. Civil L.R. 72.1(D)(3). Failure to file appropriate objections may result in the recommended action being taken.

Dated this 26th day of March, 2020.

/s/ Clare R. Hochhalter
Clare R. Hochhalter
United States Magistrate Judge